

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

ORDER ON MOTION TO REDUCE SENTENCE

Based upon the retroactive drug calculation Guideline, which took effect November 1, 2014, the defendant Sasha Phillips has filed a motion seeking a reduction of her previously imposed sentence. U.S. Sentencing Guidelines Manual app. C, Amendment 782 (2014); U.S. Sentencing Guidelines Manual § 1B1.10(d) (2014).

At her sentencing in February, 2012, Phillips was held responsible for 2.3 kilograms of cocaine base, which generated a base offense level (BOL) of 34. She then received a 2-level increase for possessing firearms, a 2-level increase because a minor was involved in the offense, a 2-level reduction under the Safety Valve, and a 3-level reduction for acceptance of responsibility, resulting in a total offense level (TOL) of 33. She had a Criminal History Category I, making her guideline range 135 to 168 months. However, she then received a variant sentence, pursuant to 18 U.S.C. Section 3553(a). Ultimately, I sentenced Phillips to 108 months' imprisonment.

Under the newly amended drug calculations, Phillips' base offense level is reduced to 32 and her total offense level is reduced to 31. With her Criminal History Category I, this results in a revised guideline range for Phillips of 108 to 135 months.

Because the original sentence I imposed is equal to the low end of the revised guideline range, Phillips is not eligible for any further reduction. See U.S. Sentencing Guidelines Manual § 1B1.10(b)(2)(A) ("the court shall not reduce the defendant's term of imprisonment . . . to a term that is less than the minimum of the amended guideline range").

The motion to reduce sentence is **DENIED**.

So ORDERED.

DATED THIS 6TH DAY OF FEBRUARY, 2015

/s/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE